

Prior law authorized any person who has been arrested for a misdemeanor or felony offense to request that the arrest record be expunged if the time limitation for prosecution of the offense has expired and no prosecution has been instituted, if prosecution has been instituted and the proceedings have been finally disposed of by dismissal, if a motion to quash has been sustained, or if the person has been acquitted. Prior law also authorized an "Article 893" or "Article 894" expungement. Further provided that if the court finds that such person is entitled to an expungement of his record, it shall order all records of such arrest and disposition be destroyed and that any custodian of such records file a sworn affidavit to the effect that the destruction has taken place; however, prior law prohibited expungement or destruction of sex offenses or DWI convictions.

Notwithstanding the above prior law on the expungement and destruction of records, prior law also provided that the DPS&C may maintain a confidential, nonpublic record of such arrest and disposition. This information may be released, confidentially, for use by the following organizations:

- (1) Law enforcement agencies and criminal justice agencies.
- (2) The La. State Board of Medical Examiners.
- (3) The La. State Board of Nursing.
- (4) The La. State Board of Examiners of Psychologists.
- (5) The Emergency Medical Services Certification Commission.
- (6) La. Attorney Disciplinary Board, Office of Disciplinary Counsel.
- (7) The La. Supreme Court Committee on Bar Admissions.

New law adds the La. Department of Insurance to the list of those organizations authorized to receive and use these confidential, nonpublic records of arrest.

Effective August 1, 2012.

(Amends R.S. 44:9(F) and (G))